

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2006-1

PRESIDING OFFICER'S RULING  
DENYING MOTION TO EXTEND DISCOVERY PERIOD  
CONCERNING THE FOREVER STAMP PROPOSAL

(Issued August 8, 2006)

On August 7, 2006, David B. Popkin filed a motion requesting extension of the discovery period concerning the Postal Service's Forever Stamp proposal.<sup>1</sup> The discovery period on the Forever Stamp proposal closed on August 7, 2006.

On July 17, 2006, Mr. Popkin filed 72 interrogatories, DBP/USPS-293 through 364, and Mr. Carlson filed 20 interrogatories, DFC/USPS-T48-1 through 20. On July 19, 2006, Mr. Popkin filed an additional five interrogatories, DBP/USPS-365 through 369. The Postal Service's response to DBP/USPS-293 through 364 was filed seven day late on the final day of discovery.<sup>2</sup>

Mr. Popkin asserts that as responses are received to interrogatories, new areas of discovery will emerge. He contends that given the limited 24-day discovery period provided for the Forever Stamp proposal, coupled with the Postal Service not providing timely responses, he has been prejudiced by being unable to pursue new areas of interest triggered by responses to his original interrogatories during the initial discovery period.

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<sup>1</sup> David B. Popkin Motion to Extend Discovery Period for the Forever Stamp Proposal, August 7, 2006

<sup>2</sup> Responses of the United States Postal Service to Interrogatories of David B. Popkin (DBP/USPS-293 through 364), August 7, 2006.

Mr. Popkin requests that discovery be extended until seven days after the receipt of responses to DBP/USPS-293 through 364 and DFC/USPS-T48-1 through 20, or five days after the receipt of responses to DBP/USPS-365 through 369, whichever is later.

Mr. Popkin has had the opportunity to ask a significant number, 77, interrogatory questions concerning the Postal Service's Forever Stamp proposal, the majority of which have been answered. He may ask follow-up interrogatories during the allotted period. He further may attend the August 28, 2006 hearing and avail himself of oral cross-examination of witness Taufique concerning his Forever Stamp testimony. All participants were alerted by the Postal Service's Request that the filing of the Forever Stamp testimony would be delayed, which might require special consideration of the procedural schedule given the limited 10-month time frame of an omnibus rate case. Mr. Popkin has not identified any specific area of concern that would warrant the extension of the discovery period.

Although Mr. Popkin may have suffered slight prejudice from the Postal Service's delay in responding to his interrogatories, he still has additional opportunities to ask further questions. Thus, the prejudice is not undue. The motion to extend the discovery period is denied. This ruling is not intended to foreclose adjustments to the procedural schedule if, in the future, specific Forever Stamp issues are identified that warrant further consideration.

#### RULING

The David B. Popkin Motion to Extend Discovery Period for the Forever Stamp Proposal, filed August 7, 2006, is denied.

George Omas  
Presiding Officer